

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERICA VASCONCELLOS as Administratrix of the Estate  
of Dashawn Vasconcellos, deceased and ERICA  
VASCONCELLOS, individually,

Plaintiff,

-against-

**NOTICE OF MOTION FOR  
JUDGMENT ON THE  
PLEADINGS AND TO  
DISMISS THE SECOND  
AMENDED COMPLAINT**

THE CITY OF NEW YORK  
SGT. JOSEPH CRUZADO, SH. # 11022  
DET. RAFAEL RAMOS, Sh. # 6794, DET.  
DONNELL MYERS, Sh. #10314 SGT.  
RICHARD ZACARESE, Sh. # 1818, &  
POLICE OFFICER JOHN DOE 1-10

12 CV 8445 (CM)

Defendants.

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**PLEASE TAKE NOTICE** that, upon the Declaration of Morgan D. Kunz, dated October 11, 2013, and the exhibits annexed thereto, the memorandum of law dated October 11, 2013, and upon all prior pleadings and proceedings herein, defendants the City of New York, Sergeant Zacarese, Sergeant Cruzado, Detective Myers, and Detective Ramos will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York 10007, at a date and time to be determined by the Court, for dismissal of the amended complaint with prejudice, pursuant to Rule 12(c) and Rule 12(b)(6), on the grounds that the amended complaint fails to state a claim upon which relief may be granted.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Order of the Honorable Colleen McMahon, United States District Judge, dated September 27, 2013, Plaintiff's opposition papers, if any, should be served on the undersigned no later than November 1, 2013.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Order of the Honorable Colleen McMahon, United States District Judge, dated September 27, 2013, Defendants' reply papers, if any, shall be served on Plaintiff by November 8, 2013.

Dated: New York, New York  
October 11, 2013

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City of New York, Sergeant  
Joseph Cruzado, Detective Rafael Ramos, Detective  
Donnell Myers, Detective Richard Zicarese*  
100 Church Street, Room 3-189  
New York, New York 10007  
(212) 356-2357 / 3549

By: /s/  
Morgan D. Kunz & Alison G. Moe  
Assistant Corporation Counsels  
Special Federal Litigation

TO: Michael Colihan, Esq. (By First Class Mail)  
Law Offices of Michael Colihan  
44 Court Street, Room 911  
Brooklyn, NY 11201

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**NOTICE OF MOTION**

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***MICHAEL A. CARDOZO***  
*Corporation Counsel of the City of New York*  
*Attorney for Defendants*  
*100 Church Street, Room 3-189*  
*New York, N.Y. 10007*  
*Of Counsel: Morgan D. Kunz / Alison G. Moe*  
*Tel: (212) 356-2357 / 3549*